



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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June 6, 2022

Baha Petroleum Consulting Corp.  
7310 2<sup>nd</sup> Ave. W.  
Williston, ND 58801-7359

Re: ND One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Enclosed is a copy of the ND One-Call Complaint against Baha Petroleum Consulting Corp. received by the North Dakota Public Service Commission (Commission) on May 26, 2022, from Ryan Farmer, Kinder Morgan, Williston, North Dakota, Case Number GS-22-201. The location of the damage identified in the complaint is Kleist 1-35H location just off 90<sup>th</sup> St NW and 112<sup>th</sup> Ave NW near McGregor, North Dakota.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by June 22, 2022**, with your written account of the event, including the applicable One-Call locate ticket number for work performed at the location indicated above.

Your response and the ND One-Call Complaint will be reviewed to determine whether there may be a violation of the One-Call Excavation Notice System law.

If I do not receive a response by the date noted, I will determine whether there was a violation, without your side of the story, based on the facts contained in this complaint. If I conclude a violation did occur, I will file a formal complaint against Baha Petroleum Consulting Corp. with the Commission, which may result in a penalty up to \$25,000 per violation as approved by the North Dakota Legislative Assembly in 2013 under North Dakota Century Code Section 49-07-01.1.

Please contact me at 701-328-4097 or at [kcrockford@nd.gov](mailto:kcrockford@nd.gov) with any questions regarding this correspondence.

Sincerely,

Konrad Crockford  
Director, Compliance Division

Enc: ND One-Call Complaint

c: Ryan Farmer, Kinder Morgan



# ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (5-17)

To allege a violation of the One-Call Excavation Notice System Law: North Dakota Century Code Chapter 49-23

## PART A – WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)

Company/Person Kinder Morgan/Ryan Farmer	Street Address 811 37th Ave SE bldg. 29	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 701-339-6090	Email Address ryan_farmer@kindermorgan.com		Date 5/26/22
<input checked="" type="checkbox"/> Complainant is willing and able to testify on the complaint if matter goes to formal hearing			

## PART B – WHO VIOLATED THE ONE-CALL REGULATIONS (RESPONDENT)

Company/Person Baha Petroleum Consulting	Street Address 7310 2nd Ave W	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 701-580-4280	Email Address bahaonecall@gmail.com		

## PART C – ALLEGED VIOLATION

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input checked="" type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input checked="" type="checkbox"/> Excavation started prior to underground facility locate <input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input type="checkbox"/> Excavator failed to maintain the markings during excavation <input type="checkbox"/> Other (Identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: Kleist 1-35H location just off 90th St NW and 112th Ave NW near McGregor ND
Date and Time of Violation: 5/26/22 at approx. 11:50am
Description (summarize the observations on which you rely to allege the violation) <i>If more space is required, please provide the description on a separate page.</i>  A KM Line Patroller was responding to locate request number 22037239 called in by Baha Petroleum Consulting. Upon arrival she found that excavation had already begun. Due date on the locate is 5/27/22 at 12:01am. Work was stopped due to not having a valid locate request and the company reps were notified.

## PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: None		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$0	Number of Customers Affected None	
Other impact of event: None		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 5/26/22
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**Submit**

If the "Submit" function is not working properly, please print the completed form and then either email to [ndpsc@nd.gov](mailto:ndpsc@nd.gov), fax to 701-328-2410 or send to Public Service Commission, 600 E Boulevard Ave Dept 408, Bismarck ND 58505-0480.

Telephone: (701) 328-2400